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BOOK REVIEW: Dominika Borg Jansson, Modern Slavery: A Comparative Study of the Definition of Trafficking in Person

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Dominika Borg Jansson, *Modern Slavery: A Comparative Study of the Definition of Trafficking in Persons*, Brill/Nijhoff, 2015, 369pp, ISBN: 978-90-04-20106-6

If nothing else, the publication of Dominika Borg Jansson's PhD thesis as *Modern Slavery: A Comparative Study of the Definition of Trafficking in Persons* should remind us that transplanting norms from the international to the domestic is fraught with peril. Borg Jansson's detailed study revives the lost art – lost, in large part, as a result of the European integration project – of comparative law, so as to demonstrate the inherent difficulties found in seeking to have transnational law 'speak' across languages.

Modern Slavery is a solid endeavour to consider the manner in which the definition of 'trafficking in persons' found in the 2000 Palermo Protocol, has been brought into the domestic legal spheres of Poland, Sweden, and Russia. The project is driven by Borg Jansson's linguistic skills which allow her to engage in the transmission of the definition of trafficking into States which not only have languages which emerge from differing sources, but are reflective of the politics the contemporary trafficking movement which, in turn, are anchored in the lingering high-politics of Europe both East and West.

The aim, in part, of the study, Borg Jansson's writes, is to "contribute to the debate on international harmonization of law and legal transplants by discussing the shortcoming of national implementation" as it touches on trafficking in persons.¹ The value-add of Borg Jansson study is in using legal transplant as her theory, and bringing this to bear as her method in moving from the original source (the Palermo definition of trafficking) to its incorporation into domestic legislation. The book then devotes a chapter to contextualising the definition within the Palermo Protocol before giving voice to Borg Jansson's empirical, chapter-length, studies of Sweden, Poland, and Russia; wherein she considers both previous and present legislation on the issue, while providing an overall assessment of each "through the Prism of Legal Transplants".

Modern Slavery seeks to go beyond the common justification used to explain the limited amount of prosecution related to trafficking in person – inadequate laws and lack of political will – by considering the manner in which the definition was incorporated into the three countries, wherein the comparative law factors of 'transmissibility, accessibility, perception, and reception' were studied.² Borg Jansson identifies a litany issues, both legal and non-legal, and calls for the redrafting of the Protocol definition of trafficking in person and its re-conceptualisation, as legal transplant and legal harmonization can only do so much in "mending international problems".³ As for country specific issues, *Modern Slavery* lays the ineffectiveness of both Poland and Russia to combat human trafficking at the feet of legislation having been brought about as a result of international pressure rather than a true willingness to engage with the issue. And for Sweden, Borg Jansson argues that the issue is a technical, legal one, which speaks to a need for the redrafting of the definition, despite arguments having been put forward that "this would unduly extend the area of application of the trafficking provisions".⁴

Ultimately, the *Modern Slavery* meets the level of a publishable doctoral dissertation. Its value, beyond the engagement in comparative analysis, is to be found in providing new information rather than new insights. While the empirics provides us with a view into the implementation of the anti-trafficking legislation in Poland, Sweden, and Russia – much as

¹ Dominika Borg Jansson, *Modern Slavery: A Comparative Study of the Definition of Trafficking in Persons*, Brill/Nijhoff, 2015, p. 4.

² *Id.* p. 306.

³ *Id.* p. 338.

⁴ *Id.* p. 339.

Conny Rijken has done with regard to Austria, The Netherlands, Romania, Serbia or Spain⁵ – the study suffers on occasion from novice writing, most obviously through assertions made without authority and outcrops of pedestrian phrases and language.⁶ Typical of a doctoral dissertation, *Modern Slavery* provides conclusions and suggestions which lack a realistic possibility of being implemented. Unrealistic unless, in re-conceptualising the trafficking offence, Borg Jansson can win over States to jettisoning years of vested diplomatic and legislative engagement, by building a new global consensus around her vision of the future. Once that bandwagon starts rolling, I’m sure to hop on!

Jean Allain
Of the Editorial Board

⁵ See Conny Rijken (ed.) *Combating Trafficking in Human Beings for Labour Exploitation*, 2011; and its review by Jean Allain in *International Journal of Refugee Law*, Vol. 24, 2012, p. 161-164.

⁶ Typical of the former, is the assertion without reference or footnote that “there have been anecdotal reports of executions of women who have tried to escape from traffickers” or that “there is a risk that some states not having the same tradition of preparatory works or experience with interpreting and applying international law might find this problematic”, *supra* n.1 at p. 59 and p.80; as for the latter, consider that perpetrators “earn money or derive some sort of sick pleasure from it” or with regard to Russia: “[i]f international documents were signed, it was merely to prove a point, but they rarely meant more than that”, *supra* n.1 at p. 94 and pp. 291-292.